

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:08-CR-00328-F-1

No. 5:16-CV-00246-F

RAPHAEL DAVONNE POWELL,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

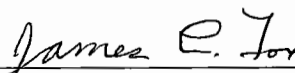
ORDER

This matter is before the court on Raphael Davonne Powell's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 [DE-69]. Having examined Powell's motion pursuant to Rule 4(b) of the Rules Governing § 2255 Proceedings, the United States Attorney is DIRECTED to file an Answer pursuant to Rule 5, Rules Governing § 2255 Proceedings, or to make such other response as appropriate to the above-captioned § 2255 motion, within **forty (40)** days of the filing of this order.

Powell asserts challenges based on *Johnson v. United States*, 135 S. Ct. 2551 (2015), and he previously qualified for appointed counsel. Therefore, pursuant to Standing Order No. 15-SO-2 (E.D.N.C. Oct. 16, 2015), the Office of the Federal Public Defender is appointed to represent Powell to determine if he may qualify for post-conviction relief.

SO ORDERED.

This 11 day of May, 2016.



JAMES C. FOX
SENIOR UNITED STATES DISTRICT JUDGE